

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

-----X
CHARLES MILLER,

Plaintiff,

-against-

NATIONAL LIFE INSURANCE COMPANY,

Defendant.
-----X

Docket #: 07-CV-00364 (PCD)
(D. CONN)

**REPLY AFFIDAVIT IN SUPPORT OF
MOTION TO QUASH AND FOR
PROTECTIVE ORDER**

STATE OF NEW YORK)
)ss:
COUNTY OF NEW YORK)

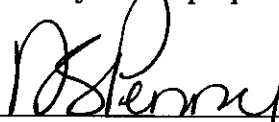
I, DAVIDA S. PERRY, being duly sworn, deposes and says as follows:

1. As a partner in the law firm of Schwartz & Perry, LLP, attorneys for Plaintiff Charles Miller ("Miller"), I respectfully submit this reply affidavit in response to Defendant, National Life Insurance Company's ("National Life") opposition to Miller's motion pursuant to F.R.Civ.P. §45(3)(A) for an order quashing the subpoena that the Defendant, National Life Insurance Co. ("National Life") has served on Yahoo!

2. Attached hereto as Exhibit "1" is an email that Miller received from Yahoo after it received the subpoena at issue. Attached hereto as Exhibit "2" is Miller's response to Yahoo's email.

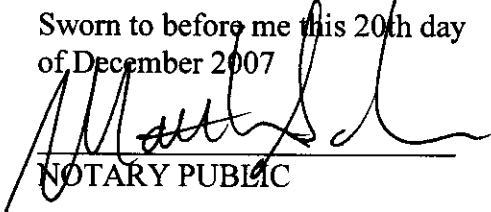
3. At the same time, I advised National Life's local counsel that our office would move to quash the subpoena. A copy of my letter is attached as Exhibit "3."

WHEREFORE, Plaintiff most respectfully urges that the Court quash the Yahoo subpoena and enter a Protective Order and further relief as this Court deems just and proper.



DAVIDA S. PERRY

Sworn to before me this 20th day
of December 2007



NOTARY PUBLIC

MATTHEW SCHATZ
Notary Public, State of New York
No. 02SC6129535
Qualified in Queens County
Commission Expires June 27, 2009